

REMARKS

Applicants respectfully request reconsideration of the finality of the rejection of the last Office Action. Applicants believe that the finality of the rejection was premature especially since the correct set of claims (Claims 1-12 and 16-29) were examined only once on the merit in the Final Office Action. In the Non-Final Office Action, the Office examined the wrong set of claims (Claims 1-15) and in the Final Office Action the Office rejected the correct set of claims while introducing new grounds for rejection.

Accordingly, Applicants' respectfully request reconsideration and withdrawal of the finality of the rejection of the last Office Action.

The Examiner's indication of allowable subject matter in Claims 26 and 27 is acknowledged with appreciation. However, the statement of reasons for allowance is not understood. The Office recited "wherein said first and second opposing portions are connected by rails at bottom ends thereof and said support includes at least a portion of said rails" as the limitation which the primary reference Robinson does not teach. This limitation is not cited in Claims 26 and 27, and therefore cannot be the basis for allowance.

Applicants respectfully request clarification in the next Official Action.

Claims 1-12 and 16-29 are currently pending. Claims 1, 9, 20 have been amended to recite that the support member is configured to extend between the two engagement elements so that a first end portion of the support member is attached to one of the engagement elements and a second end portion of the support member is attached to the other of said engagement elements. Claim 28 has been amended to recite that the support member extends between a first engagement element that includes the at least one pump race and a second engagement element that includes the at least one pump roller, and that

fluid circuit moves on the support in a horizontal direction and the pump roller and the pump race move in mutually horizontal directions on the support member. Claims 1, 9, 20 have also been editorially revised. Claims 21-27 have been amended to properly depend from Claim 20.

In the outstanding Office Action, Claims 1-12, 16-18, 20-23 and 25 have been rejected as being anticipated by Robinson under 35 U.S.C. § 102(e). Claims 19 and 24 have been rejected as being unpatentable over Robinson, and Claims 28 and 29 as being unpatentable over Robinson in view of Dennehey under 35 U.S.C. § 103(a).

Applicants respectfully request reconsideration and withdrawal of rejections, for reasons as set forth below.

Independent Claims 1, 9 and 20 recite a renal placement therapy system (Claims 1, 20) and method (Claim 9) comprising, *inter alia*, engagement elements and a support member configured to extend between the engagement elements, so that a first end portion of the support member is attached to one of the engagement elements and a second end portion is attached to the other engagement element.

Independent Claim 28 recites a method comprising, *inter alia*, moving the fluid circuit horizontally on a support member that is configured to extend between a first engagement element which includes the at least one pump race and a second engagement element which includes the at least one pump roller.

Robinson fails to teach a support member that extends between the engagement elements so that a first end portion is attached to one of the engagement elements and a second end portion is attached to the other engagement element. The cassette holder (24) in Robinson supports the cassette (26) but the support does not extend between the first engagement element (14) and the second engagement element (34). The support rod (32)

also does not extend between the two engagement elements. Additionally, the support (24) in Robinson does not have a first end portion that is attached to one engagement element and a second end portion that is attached to the other engagement element. Moreover, in Robinson, the fluid circuit, the pump roller and the pump race do not move horizontally on the support (24).

The secondary reference does not cure the deficiencies of Robinson.

Accordingly, Robinson alone or in combination with the secondary reference, clearly fails to anticipate, or to suggest, Applicants' invention as defined by the claims.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this Application.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T4342-14198US23) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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